

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
CLERK'S OFFICE

ANTONY MITCHELL

Cv. No. 05-30122-MAP 2005 JUL 26 P 5:23

Cr. No. 03-30042-MAP

U.S. DISTRICT COURT
DISTRICT OF MASS.

v.

UNITED STATES OF AMERICA

MOTION TO CONTINUE RESPONSE TO 28 U.S.C. § 2255 PETITION

The United States of America, by and through its undersigned attorneys, hereby files this Motion to Continue Response to 28 U.S.C. § 2255. The government's response to the Petition was previously due on June 24, 2005. The government relies upon the following in support of its motion.

The undersigned counsel for the government did not receive a copy of the Petition until late June of 2005. Because the Petition contains allegations of ineffective assistance of counsel, the undersigned counsel for the government called Jeffery Yelle, Esq., Antony Mitchell's attorney in the underlying criminal case, on June 29, 2005 to inform him of those allegations and inquire whether Attorney Yelle desired to respond in writing to the allegations of ineffective assistance. On the same date a copy of the Petition was mailed to Attorney Yelle. To date, the undersigned government counsel has received no response from Attorney Yelle.

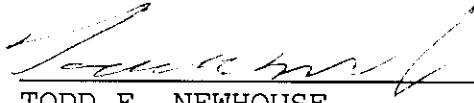
Further, on July 25, 2005, this Court allowed Mitchell's

Motion for transcripts of the Rule 11 hearing and sentencing. Mitchell also claims in his Petition that his change of plea was not voluntarily made and he did not know the nature of the charges against him. The government will need a copy of the Rule 11 transcript to respond to these allegations.

Therefore, the government requests that the date of its Response to the § 2255 petition be continued until 30 days after receipt of the Rule 11 transcript.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney



TODD E. NEWHOUSE
Assistant United States Attorney

CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts
July 26, 2005

I, Todd E. Newhouse, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing, via mail to Anthony Mitchell, reg. no. 90780-038, USP Lewisburg, P.O. Box 1000, Lewisburg, PA 17837.


TODD E. NEWHOUSE
Assistant U.S. Attorney